

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 313**

FINAL READING

Introduced by Speaker Flood, 19; at the request of the Governor.

Read first time January 15, 2009

Committee: Appropriations

A BILL

1 FOR AN ACT relating to appropriations; to appropriate funds for  
2 the payment of the salaries and benefits of certain state  
3 officers for FY2009-10 and FY2010-11; to define terms; to  
4 provide an operative date; and to declare an emergency.  
5 Be it enacted by the people of the State of Nebraska,

1           Section 1. APPROPRIATION LANGUAGE.

2           There are hereby appropriated, for FY2009-10 and  
3 FY2010-11, the amounts specified in this act, or so much as may  
4 be necessary, for the salaries and benefits of officers of the  
5 Nebraska state government.

6           Sec. 2. DEFINITION OF APPROPRIATION PERIOD.

7           For purposes of this act, FY2009-10 means the period  
8 beginning July 1, 2009, and ending June 30, 2010, and FY2010-11  
9 means the period beginning July 1, 2010, and ending June 30, 2011.

10          Sec. 3. NEBRASKA ACCOUNTING SYSTEM MANUAL DEFINITIONS.

11          The definitions contained in the Nebraska Accounting  
12 System Manual, and any amendments thereto, on file with the Clerk  
13 of the Legislature are hereby adopted by the Legislature as the  
14 definitions for this act, except as provided in section 21 of this  
15 act.

16          Sec. 4. DRAWING AND PAYING WARRANTS.

17          The Director of Administrative Services shall draw  
18 warrants upon the proper fund in the state treasury for an amount  
19 not to exceed the appropriations set forth in this act upon  
20 presentation of proper documentation. The State Treasurer shall pay  
21 the warrants out of the appropriate funds.

22          Workers' compensation premium assessments shall not be  
23 paid from the programs listed in this act.

24          Sec. 5. AGENCY NO. 5 - SUPREME COURT

25          Program No. 3 - Supreme Court Judges' Salaries

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1	FY2009-10	FY2010-11
2	GENERAL FUND	1,124,134
3	PROGRAM TOTAL	1,124,134
4	SALARY LIMIT	951,170
5	Sec. 6. AGENCY NO. 5 - SUPREME COURT	
6	Program No. 4 - Court of Appeals Judges' Salaries	
7	FY2009-10	FY2010-11
8	GENERAL FUND	926,844
9	PROGRAM TOTAL	926,844
10	SALARY LIMIT	774,525
11	Sec. 7. AGENCY NO. 5 - SUPREME COURT	
12	Program No. 5 - Retired Judges' Salaries	
13	FY2009-10	FY2010-11
14	GENERAL FUND	110,255
15	PROGRAM TOTAL	110,255
16	SALARY LIMIT	104,196
17	The budget division of the Department of Administrative	
18	Services is hereby authorized to administratively transfer General	
19	Fund appropriations among Programs 3, 4, 5, 6, and 7 within Agency	
20	5, upon written certification by the State Court Administrator	
21	that excess appropriations are available and are necessary to pay	
22	retired judges' salaries or are necessary to adjust for program	
23	shortfalls in Agency 5, Programs 3, 4, 6, and 7. The Salary Limit	
24	for Agency 5, Program 5, may be administratively increased for any	
25	transfers made to Program 5 pursuant to this section.	

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1	Sec. 8. AGENCY NO. 5 - SUPREME COURT		
2	Program No. 6 - District and Juvenile Court Judges'		
3	Salaries		
4		FY2009-10	FY2010-11
5	GENERAL FUND	9,636,060	9,732,075
6	PROGRAM TOTAL	9,636,060	9,732,075
7	SALARY LIMIT	8,299,791	8,299,791
8	Sec. 9. AGENCY NO. 5 - SUPREME COURT		
9	Program No. 7 - County Court Judges' Salaries		
10		FY2009-10	FY2010-11
11	GENERAL FUND	8,286,602	8,372,811
12	PROGRAM TOTAL	8,286,602	8,372,811
13	SALARY LIMIT	7,092,994	7,092,994
14	Sec. 10. AGENCY NO. 7 - GOVERNOR		
15	Program No. 2 - Salary - Governor		
16		FY2009-10	FY2010-11
17	GENERAL FUND	140,858	142,849
18	PROGRAM TOTAL	140,858	142,849
19	SALARY LIMIT	105,000	105,000
20	Sec. 11. AGENCY NO. 8 - LIEUTENANT GOVERNOR		
21	Program No. 8 - Salary - Lieutenant Governor		
22		FY2009-10	FY2010-11
23	GENERAL FUND	106,692	108,716
24	PROGRAM TOTAL	106,692	108,716
25	SALARY LIMIT	75,000	75,000

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1	Sec. 12. AGENCY NO. 9 - SECRETARY OF STATE		
2	Program No. 9 - Salary - Secretary of State		
3		FY2009-10	FY2010-11
4	GENERAL FUND	111,006	112,282
5	PROGRAM TOTAL	111,006	112,282
6	SALARY LIMIT	85,000	85,000
7	Sec. 13. AGENCY NO. 10 - AUDITOR OF PUBLIC ACCOUNTS		
8	Program No. 10 - Salary - Auditor of Public Accounts		
9		FY2009-10	FY2010-11
10	GENERAL FUND	115,901	117,694
11	PROGRAM TOTAL	115,901	117,694
12	SALARY LIMIT	85,000	85,000
13	Sec. 14. AGENCY NO. 11 - ATTORNEY GENERAL		
14	Program No. 11 - Attorney General's Salary		
15		FY2009-10	FY2010-11
16	GENERAL FUND	128,054	129,913
17	PROGRAM TOTAL	128,054	129,913
18	SALARY LIMIT	95,000	95,000
19	Sec. 15. AGENCY NO. 12 - STATE TREASURER		
20	Program No. 12 - Salary - State Treasurer		
21		FY2009-10	FY2010-11
22	GENERAL FUND	115,280	117,018
23	PROGRAM TOTAL	115,280	117,018
24	SALARY LIMIT	85,000	85,000
25	Sec. 16. AGENCY NO. 14 - PUBLIC SERVICE COMMISSION		

1                   Program No. 14 - Salaries of Public Service Commissioners

2		FY2009-10	FY2010-11
3	GENERAL FUND	492,909	504,807
4	PROGRAM TOTAL	492,909	504,807
5	SALARY LIMIT	375,000	375,000

6                   Sec. 17. AGENCY NO. 15 - BOARD OF PARDONS AND BOARD OF  
7 PAROLE

8                   Program No. 320 - Board of Parole Salaries

9		FY2009-10	FY2010-11
10	GENERAL FUND	482,260	497,925
11	PROGRAM TOTAL	482,260	497,925
12	SALARY LIMIT	360,351	369,352

13                  Sec. 18. AGENCY NO. 16 - DEPARTMENT OF REVENUE

14                  Program No. 13 - Tax Commissioner

15		FY2009-10	FY2010-11
16	GENERAL FUND	178,887	184,825
17	PROGRAM TOTAL	178,887	184,825
18	SALARY LIMIT	138,830	142,236

19                  It is the intent of the Legislature that if the  
20 appropriation or the salary limit is insufficient in this program  
21 to meet anticipated expenditures, the Tax Commissioner shall  
22 request additional funds or a higher salary limit, or both, from  
23 the Legislature by the usual deficit process. The appropriation  
24 or the salary limit shall not be administratively increased solely  
25 by the Department of Administrative Services without legislative

1 authorization.

2 Sec. 19. AGENCY NO. 37 - NEBRASKA WORKERS' COMPENSATION

3 COURT

4 Program No. 526 - Judges' Salaries

	FY2009-10	FY2010-11
5 CASH FUND	1,045,994	1,055,784
6 PROGRAM TOTAL	1,045,994	1,055,784
7 SALARY LIMIT	879,834	879,834

9 Sec. 20. AGENCY NO. 37 - NEBRASKA WORKERS' COMPENSATION

10 COURT

11 Program No. 635 - Retired and Acting Judges' Salaries

	FY2009-10	FY2010-11
12 CASH FUND	55,267	55,267
13 PROGRAM TOTAL	55,267	55,267
14 SALARY LIMIT	51,339	51,339

16 Sec. 21. LIMITATION ON SALARIES, WAGES, AND PER DIEMS.

17 (1) As used in this act:

18 (a) SALARY LIMIT means total expenditures for permanent  
19 and temporary salaries and per diems; and

20 (b) Total expenditures for permanent and temporary  
21 salaries and per diems means all remuneration paid to employees  
22 treated as taxable compensation by the Internal Revenue Service  
23 or subject to social security coverage, specifically including  
24 payments accounted for as vacation, holidays, sick leave, military  
25 leave, funeral leave, maternity leave, administrative leave,

1 compensatory time, deferred compensation, or any other similar  
2 form, and amounts withheld pursuant to law, but excluding state  
3 contributions for social security, retirement, and employee  
4 insurance plans.

5 (2) Total expenditures for permanent and temporary  
6 salaries and per diems are limited to the amount provided by law  
7 for constitutional officers.

8 (3) The limitation on expenditures for permanent and  
9 temporary salaries and per diems for FY2009-10 shall be increased  
10 by certified encumbrance amounts from FY2008-09 for permanent and  
11 temporary salaries and per diems. The limitation on expenditures  
12 for permanent and temporary salaries and per diems for FY2010-11  
13 shall be increased by certified encumbrance amounts from FY2009-10  
14 for permanent and temporary salaries and per diems. Encumbered  
15 amounts shall be calculated in accordance with section 81-138.01.

16 Sec. 22. This act becomes operative on July 1, 2009.

17 Sec. 23. Since an emergency exists, this act takes effect  
18 when passed and approved according to law.